

TENTATIVE RULINGS for CIVIL LAW and MOTION May 28, 2010

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6941

TENTATIVE RULING

Case: Chase Bank U.S.A., N.A. v. Vanvechten
Case No. CV G 09-2477

Hearing Date: May 28, 2010 Department Fifteen 9:00 a.m.

Defendant Melinda Vanvechten's unopposed motion to set aside and vacate the default and default judgment is **GRANTED**. (Code Civ. Proc., § 473.) The writ of execution and notice of levy are also set aside.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

Defendant shall submit a signed answer for filing with the Court.

TENTATIVE RULING

Case: Community Business Bank v. Countrywide Financial Corp. et al.
Case No. CV CV 09-1624

Hearing Date: May 28, 2010 Department Fifteen 9:00 a.m.

This matter is **CONTINUED** on the Court's own motion to Wednesday, June 2, 2010, at 9:00 a.m. in Department 15.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Gomez v. Toyota Motor Sales, U.S.A., Inc. et al.**
Case No. CV CV 10-356

Hearing Date: **May 28, 2010** **Department Fifteen** **9:00 a.m.**

Defendant's *ex parte* application for an order staying the entire action pending determination of the coordination petition is **GRANTED**. (Code Civ. Proc., §404.5; Cal. Rules of Court, rule 3.515.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Masland Carpets v. Pearson**
Case No. CV G 09-1508

Hearing Date: **May 28, 2010** **Department Fifteen** **9:00 a.m**

Defendants Thomas and Claudia Pearson's motion to set aside the default and default judgment is **DENIED**. (Code Civ. Proc., §§ 473 and 473.5.) Defendants fail to demonstrate "mistake, inadvertence, surprise or excusable neglect," (Code Civ. Proc., § 473, subd. (b)) or lack of actual notice of the complaint (Code Civ. Proc., § 473.5).

To the extent plaintiff seeks attorneys' fees expended in opposing defendants' motion to set aside the default and default judgment, the request is **DENIED**. Plaintiff provides no factual or legal basis for such an award.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.